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Gobal B. Avinash

139943/YOD GEMS:0256

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EXAMINER

MEHTA, PARIKHA SOLANKI

ART UNIT

PAPER NUMBER

3737

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

SUPPLEMENTAL EXAMINER'S ANSWER

Entry and Consideration of Reply Brief

1. The reply brief filed 27 June 2008 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Response to Arguments

2. Examiner clarifies for the record that, in the Reply Brief of 27 June 2008, Appellant has blithely taken Examiner's remarks out of context to make it appear as if Examiner concedes that the common definition of "gating" is "only initiation and termination of a process based upon motion data". Specifically, on page 3 of the Reply Brief, Applicant incorrectly states that "Examiner actually supports the Appellants' interpretation of the term "gating" by making the statement that it "is commonly known in the art as meaning only initiation and termination of a process based upon motion data". Contrary to Appellant's glib statements, Examiner made no such concession in the Examiner's Answer. When considered in the context of the entire sentence in which this phrase appears, it is clear that Examiner is in fact **distinguishing** the commonly accepted meaning of "gating" **from** "initiation and termination of a process based upon motion data". The original sentence, from page 5 of the Examiner's Answer, reads as follows:

"Nowhere in the above-referenced passages of the pending disclosure does Appellant explicitly set forth a re-definition of the term "gating" from that which is commonly known in the art as meaning *only* initiation and termination of a process based upon motion data."

Stated alternatively, Examiner is asserting that, in the pending specification, the Appellant did not sufficiently re-define the term "gating" in a way that requires the Office to limit interpretation of the term *only* to "initiation and termination of a process based upon motion data". As such, it is well within reason for the Office to interpret the term "gating" as meaning that which is commonly defined and accepted in the art of signal processing, which is "outputting of a signal when specified input conditions are met" (Merriam Webster).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to PARIKHA S. MEHTA whose telephone number is (571)272-3248. The examiner can normally be reached on M-F, 8 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571.272.4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ruth S. Smith/

Primary Examiner, Art Unit 3737

/Parikha S Mehta/

Examiner, Art Unit 3737